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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,818	04/06/1999	RONALD L. REAM	P99.0082	5472
29156 73	590 07/29/2005		EXAM	NER
BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			SPEAR, JAMES M	
			ART UNIT	PAPER NUMBER
			1618	
			DATE MAILED: 07/29/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)
	09/286,818	REAM ET AL.
Office Action Summary	Examiner	Art Unit
<u>.</u>	James M. Spear	1618
The MAILING DATE of this communication apperiod for Reply	pears on the cover sheet with	n the correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a replection of the period for reply is specified above, the maximum statutory period.  - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply within the statutory minimum of thirty will apply and will expire SIX (6) MONT because the application to become ABA	oly be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).
Status		
1) ⊠ Responsive to communication(s) filed on 13 M     2a) □ This action is <b>FINAL</b> . 2b) ⊠ This     3) □ Since this application is in condition for allowed closed in accordance with the practice under M	s action is non-final. Ince except for formal matte	
Disposition of Claims		
4)  Claim(s) 1-12,19-22 and 26-29 is/are pending 4a) Of the above claim(s) is/are withdra 5)  Claim(s) is/are allowed. 6)  Claim(s) 1-12,19-22 and 26-29 is/are rejected 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/o	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) accomposite and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examin	cepted or b) objected to be drawing(s) be held in abeyand ction is required if the drawing(s	e. See 37 CFR 1.85(a). s) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureat * See the attached detailed Office action for a list	nts have been received. Its have been received in Apportty documents have been i	oplication No received in this National Stage
Attachment(s)	_	7100100
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)	ımmary (PTO-413) /Mail Date formal Patent Application (PTO-152) 

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The Request for Continued Examination, Information Disclosure
Statement and Amendment filed 13 May 2005 have been entered.
Following are new grounds of rejection.

The following is a quotation of the second paragraph of 35 U.S.C.
 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-12, 19-22 and 26-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are rejected for the reasons set forth in the Board OF
Patent Appeals and Interferences Decision on Appeal mailed 10
September 2004. While applicants have amended the claims, it is the
position of this office that this rejection is still appropriate. Rather than
reciting "less than a typical amount of medicament" and instead reciting
"less than the enteral administration amount of the medicament" the claim
terminology is still considered indefinite. In reciting "the enteral
administration amount" the claims still limit the amount of medicament or
agent to a single, specific dosage of medicament or agent swallowed to
achieve an effect. There is still no definition or guidance from the

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specification regarding how to select a single dosage from within the range of enteral administration amounts that represents the amount to achieve the desired effect.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The WO 98/23165 reference shows a chewing gum comprised of caffeine that may be of interest. See page 4, lines 20-36. See also Facts And Comparisons' disclosure of Aspergum.

Claims 1-12, 19-22 and 26-29 are rejected.

Claims 13-18 and 23-25 have been canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Spear whose telephone number is 571 272 0605. The examiner can normally be reached on Monday thru Friday from 6:30 AM to 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K Page, can be reached on 571 272 0602.

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The fax phone number for the organization where this application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James) M. Spear

James M Spear

Primary Examiner

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July 25, 2005